

JEFFREY B. COOPERSMITH (SBN 252819)
AMY WALSH (Admitted Pro Hac Vice)
STEPHEN A. CAZARES (SBN 201864)
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759

Email: jcoopersmith@orrick.com; awalsh@orrick.com;
scazares@orrick.com

Attorneys for Defendant
RAMESH "SUNNY" BALWANI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
RAMESH "SUNNY" BALWANI,
Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.
COOPERSMITH RE: MR. BALWANI'S
OPPOSITION TO MOTION TO
EXCLUDE LIS-RELATED
TESTIMONY AND EVIDENCE BY
RICHARD L. SONNIER, III**

Judge: Honorable Edward J. Davila

DECLARATION OF JEFFREY B. COOPERSMITH

I, Jeffrey B. Coopersmith, declare as follows:

1. I am lead counsel for defendant Ramesh “Sunny” Balwani, an attorney admitted to practice in the State of California, a partner at the law firm of Orrick, Herrington & Sutcliffe LLP, and counsel of record for Mr. Balwani. I submit this declaration in support of Mr. Balwani’s opposition to the government’s motion to exclude LIS-related testimony and evidence by Richard L. Sonnier, III.

2. Attached as **Exhibit 1** is a copy of a May 16, 2022 Memorandum of Interview of Dr. Donald Tschirhart.

3. Attached as **Exhibit 2** is a copy of an August 17–24, 2018 email exchange between James Topinka, David Taylor, and Vinaswathan “Shekar” Chandrasekaran.

4. Attached as **Exhibit 3** is a copy of excerpts from the April 24, 2019 deposition transcripts of Shekar Chandrasekaran.

5. Attached as **Exhibit 4** is a copy of an August 28–29, 2018 email thread among Mr. Chandrasekaran and several Theranos personnel, including Eric Caddenhead.

6. Attached as **Exhibit 5** is a copy of an August 29–30, 2018 email exchange among Mr. Chandrasekaran and several Theranos personnel, including Mr. Caddenhead.

7. Attached as **Exhibit 6** is a copy of a May 23–June 4, 2018 email exchange among Theranos’s outside counsel.

8. Attached as **Exhibit 7** is a copy of Mr. Balwani’s preliminary exhibit list served on the government on November 12, 2021.

9. Attached as **Exhibit 8** is a copy of a November 12, 2021 letter I sent to counsel for the government along with a document production.

I declare under penalty of perjury that the foregoing is true and correct.

Executed May 19, 2022, at San Jose, California.

/s/ Jeffrey B. Coopersmith

JEFFREY B. COOPERSMITH